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February 16, 2008

Honorable Debra C. Freeman
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: Alexis Padilla v. Dale Artus, Superintendent Clinton
Correctional Facility
07-CV-05957 (DAB)(DF)

Dear Judge Freeman:

I was appointed as CJA counsel to represent Petitioner in the above captioned matter on January 4, 2008 by Order of this Court dated December 28, 2007. In appointing counsel the Court Ordered that counsel for Petitioner file a Reply to Respondent's brief by February 29, 2008.

Please accept this correspondence as a request to extend the time for Petitioner to file his Reply. Upon appointment I acquired the Court file and requested that the Clerk's Office copy both the complete file and trial transcript. Thereafter on January 7, 2008 I commenced trial before the Honorable Judge John F. Keenan in United States v. Rodolphe Nogbou, 07 Cr. 814), which trial was completed on January 11, 2008. On January 14 when I acquired the copied case file from the Court's Clerk I was informed that the trial transcript had not been copied because it could not be located. Following conversations with both Judge Batts' and your Court Deputies I we discovered that the transcript was in Judge Batts chambers. We have since had the transcript sent to the Court Clerk for copying. To date I have not yet received the transcript for review.

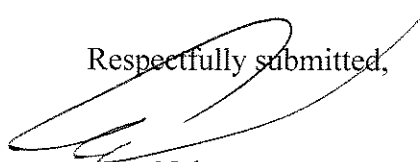
On February 11, 2008 I commenced trial before the Hon. Naomi Reice Buchwald in United States v Mason, et al. 06 Cr 80 (NRB). It is anticipated that the trial will continue into early March.

Accordingly, I respectfully request that the Court extend Petitioner's time to file a responsive memorandum for 90 days, to May 29, 2008 .

Hon. Debra C. Freeman
February 16, 2008
Page 2

I have discussed this request with the Petitioner and he not only consents but urges that on his behalf I request this adjournment so I may be in the best possible position to present his claims to this Court. I apologize to the Court in advance for the necessity of making this request and urge the Court to grant this application so I may comply with my responsibilities.

Respectfully submitted,



Alan Nelson

cc: Office of the Attorney General
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